IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

IAN WALLACE,)
Plaintiff,)
vs.	No.
PHARMA MEDICA RESEARCH, INC. and UNKNOWN PERSONS employed or contracted by Pharma Medica Research,	,
Inc. Defendants.)
Detenuants.)
Serve Pharma Medica Research, Inc. at)
Spenserv- St. Louis, Inc.)
1 North Brentwood Blvd, Tenth Floor)
St. Louis, MO 63105)

COMPLAINT

COMES NOW the Plaintiff, Ian Wallace, by and through his undersigned counsel, and for his cause of action against Defendants, Pharma Medica Research, Inc. (hereinafter "PMR") and Unknown Persons employed or contracted by PMR, states as follows:

PARTIES, JURISDICTION & VENUE

- 1. That the petitioner is a resident and citizen of Madison County, Illinois.
- 2. That PMR is a Canadian corporation headquartered in Mississauga, ON Canada. PMR maintains a registered agent located at 1 North Brentwood Blvd., 10th Floor, St. Louis, Missouri. Further, PMR at all times relevant hereto operated a "Screening Clinic" and "Phase I Clinic" at 400 Fountain Lakes Blvd., St. Charles, Missouri.
- 3. This action is of civil nature and the amount in controversy, excluding interest and costs, exceeds the sum specified by 28 U.S.C § 1332. Every issue of law and fact is wholly between

citizens of different states. Consequently, jurisdiction of this Court is proper.

4. Venue is proper under 28 U.S.C. § 1391(b)(2); (d) because Defendants are subject to personal jurisdiction of this Court, having research facilities, businesses, and/or office locations in Missouri, including St. Louis and St. Charles, Missouri.

<u>COUNT I</u> (Ian Wallace v. PMR)

- 5. That Plaintiff, on or about March 23, 2016, through April 23, 2016, and again on or about June 10, 2016, through June 14, 2016, participated in a research studies at PMR's facility located in St. Charles, Missouri. During this study plaintiff was repeatedly required to submit blood samples for testing, with such samples drawn by defendant's unknown employees and/or contractors, acting within the course and scope of their employment or agency relationship with the PMR. The identities of those employees at this point are unknown but will be obtained in discovery.
- 6. That based on the above, PMR owed a duty to plaintiff and others similarly situated to draw blood samples in a safe and sanitary fashion with properly trained, qualified and supervised staff.
- 7. That in violation of the aforesaid duty the defendant committed one or more of the following negligent acts and/or omissions:
 - (a) Failed to properly train its employees and/or agents to perform blood extractions in a safe and sanitary fashion;
 - (b) Failed to properly screen its employees and/or agents to ascertain whether said employees and/or agents were qualified and properly trained to draw blood samples in a safe and sanitary fashion;
 - (c) Failed to properly supervise its employees and/or agents to insure that those employees and/or agents drew blood in a safe and sanitary fashion;

- (d) Failed to supply sufficient equipment to allow for the safe and sanitary drawing of blood samples;
- (e) Failed to properly clean and sterilize equipment used to draw blood samples;
- (f) Failed to properly screen its employees, and/or agents, and/or other participants in the study to determine whether such individuals were infected with contagious diseases;
- (g) Failed to properly dispose of unsanitary equipment used in the blood drawing process.
- 8. That as a direct and proximate result of the aforesaid, plaintiff contracted Hepatitis C during the blood drawing process.
- 9. That as a further and proximate result of the aforesaid, plaintiff has experienced and will continue to experience great pain and mental anguish. Plaintiff has incurred and will continue to incur medical bills to obtain treatment for his injuries. Plaintiff has lost income and will likely lose income in the future. Plaintiff's condition is such that it will require convalescent care in the future. Plaintiff has sustained loss of normal life.

WHEREFORE, Plaintiff prays for a judgment against the defendant for an amount in excess of \$75,000.00 and for costs of this action.

COUNT II (Ian Wallace v. Unknown Persons)

10. That Plaintiff, on or about March 23, 2016, through April 23, 2016, and again on or about June 10, 2016, through June 14, 2016, participated in a research studies at PMR's facility located in St. Charles, Missouri. During this study plaintiff was repeatedly required to submit blood samples for testing, with such samples drawn by defendant's unknown employees and/or contractors, acting within the course and scope of their employment or agency relationship with the PMR. The identities of these employees at this point are unknown but will be obtained in discovery.

- 11. That based on the above, each medical provider and personnel of PMR who had contact with Plaintiff owed a duty to Plaintiff and others similarly situated to draw blood samples in a safe and sanitary fashion with properly trained, qualified and supervised staff.
- 12. That in violation of the aforesaid duty the defendants committed one or more of the following negligent acts and/or omissions:
 - (a) Failed to properly perform blood extractions in a safe and sanitary fashion:
 - (b) Failed to properly clean and sterilize equipment used to draw blood samples;
 - (c) Failed to properly screen its other participants in the study to determine whether such individuals were infected with contagious diseases;
 - (d) Failed to properly dispose of unsanitary equipment used in the blood drawing process.
- 13. That as a direct and proximate result of the aforesaid, plaintiff contracted Hepatitis C during the blood drawing process.
- 14. That as a further and proximate result of the aforesaid, plaintiff has experienced and will continue to experience great pain and mental anguish. Plaintiff has incurred and will continue to incur medical bills to obtain treatment for his injuries. Plaintiff has lost income and will likely lose income in the future. Plaintiff's condition is such that it will require convalescent care in the future. Plaintiff has sustained loss of normal life.

WHEREFORE, Plaintiff prays for a judgment against the defendant for an amount in excess of \$75,000.00 and for costs of this action.

PLAINTIFF PRAYS FOR TRIAL BY JURY OF TWELVE.

Respectfully Submitted,

WENDLER LAW, P.C.

By: /s/ Brian Wendler

Brian M. Wendler #39151MO Angie M. Zinzilieta #6322894IL Paul Rademacher #6324529IL 900 Hillsboro, Suite 10 Edwardsville, IL 62025 Phone: (618) 692-0011

Fax: (618) 692-0022

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The	e undersig	ned affirms	that the informa	tion provide	d abo	ove is true and correct	•	
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Signature of Filing Party

UNITED STATES DISTRICT COURT

	for the				
Eastern District of Missouri					
))) Civil Action No.))) IN A CIVIL ACTION				
To: (Defendant's name and address) Registered Agent: Spen 1 N. Brentwood Blvd., To St. Louis, MO 63105	serv - St. Louis, Inc. enth Floor				
A lawsuit has been filed against you.					
are the United States or a United States agency, or an of P. 12 (a)(2) or (3) — you must serve on the plaintiff an a	n you (not counting the day you received it) — or 60 days if you ficer or employee of the United States described in Fed. R. Civ. answer to the attached complaint or a motion under Rule 12 of otion must be served on the plaintiff or plaintiff's attorney,				
If you fail to respond, judgment by default will I You also must file your answer or motion with the court	be entered against you for the relief demanded in the complaint.				
	CLERK OF COURT				
Date					

Signature of Clerk or Deputy Clerk